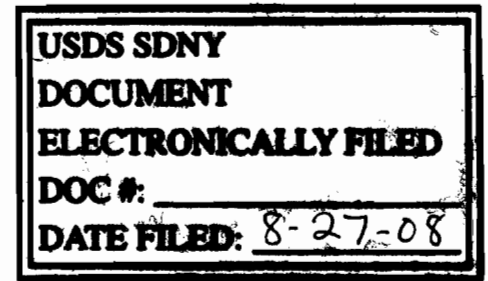
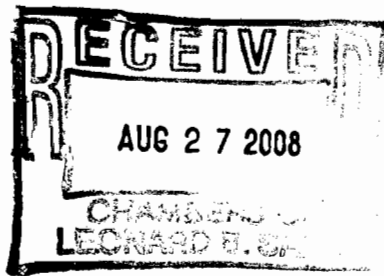


MEMO ENDORSED



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August 26, 2008

BY HAND DELIVERY

The Honorable Leonard B. Sand
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Julio Melecio v. Mr. Victor, et al.
07 CV 3663 (LBS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. I write to respectfully request that the Court endorse a new discovery schedule for the above referenced for the reasons set forth herein. Plaintiff's counsel, Alexandra Lewis-Reisen, Esq., consents to this request.

As way of background, *pro se* plaintiff filed the instant action on May 9, 2007, alleging *inter allia*, that on March 27, 2007, while in custody at Rikers Island he was attacked by several correction officers without cause or justification. On January 3, 2008, the Court endorsed defendants' proposed discovery schedule, which set September 1, 2008, as the close of discovery. On April 30, 2008, Ms. Lewis-Reisen, Esq. filed a Notice of Appearance on behalf of *pro se* plaintiff.

Plaintiff's counsel has stated an interest in filing an amended complaint. Since defendants have already answered in this matter, pursuant to Fed. R. Civ. P. 15(a)(2), plaintiff is required to have the defendants' written consent or seek the Court's leave to do so. Prior to consenting to plaintiff's request to file an amended complaint, defendants requested that they be afforded an opportunity to view the proposed amended complaint. Plaintiff's counsel has agreed to provide a copy of the proposed amended complaint for defendants review prior to receiving written consent to amend.

Accordingly, in light of the addition of counsel and the desire by plaintiff to file an amended complaint, a new discovery schedule will be needed. Though a vast amount of the

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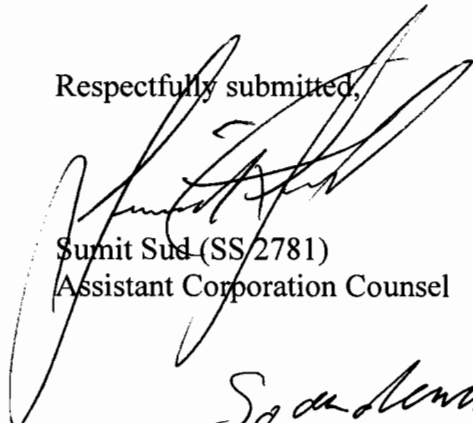
paper discovery has been completed pertaining to the claims contained in the current complaint, plaintiff intends to add additional claims in his amended complaint which will likely necessitate additional discovery. Furthermore, depositions have yet to begin. Finally, any newly added party will require time to answer and seek representation from the Office of the Corporation Counsel. Therefore, the parties have agreed to the following revised discovery schedule:

1. Deadline to provide copy of the proposed amended complaint to defendants: September 12, 2008;
2. Defendants to agree or reject the proposed amended complaint by September 24th and if agreed, the amended complaint to be filed by October 1, 2008; if rejected, a proposed amended complaint to be filed with the Court by October 1, 2008;
3. Deadline to Answer: November 3, 2008¹(this and all future dates assuming an amended complain is filed on October 1, 2008);
4. Close of Fact/Expert Discovery: April 1, 2008
5. Either Party to File Notice of Motion: April 15, 2008.

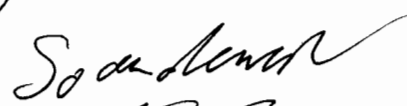

Defendants are also hopeful that this matter may be resolved via settlement. To that effect, defendants have issued an Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure in the amount of \$5,001.00 on August 22, 2008 and are awaiting a response from plaintiff. If the above effort fails, the parties may seek an additional settlement conference at a later date.

Thank you for your consideration herein.

Respectfully submitted,


Sumit Sud (SS/2781)
Assistant Corporation Counsel

cc: Alexandra Lewis-Reisen, Esq.
O'Melveny and Myers, LLP
7 Times Square
New York, New York 10036 (by First Class Mail)



8/27/08

¹ Deadline is contingent upon proper service being effectuated upon any newly joined defendant to this action.

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